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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/585,285	07/10/2007	Peter Wiedemann	DAYJ132995	9873

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EXAMINER
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TRAN, THIEN S

ART UNIT	PAPER NUMBER
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3742

MAIL DATE	DELIVERY MODE
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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/585,285	<b>Applicant(s)</b> WIEDEMANN ET AL.	
	<b>Examiner</b> THIEN TRAN	<b>Art Unit</b> 3742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,5 and 16-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5 and 16-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                        |                                                                   |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/5/2006 and 8/14/2009</u> .                                  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 5 and 16 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claims 5 and 16 cannot depend from a later claim (Claim 22). Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 4, 17 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Juergen (DE 19832757).

4. Regarding claim 1, Juergen teaches a cooking device, comprising: at least one parameter (Pg 5, Pgh 5, change the program parameter) adapted to be preset for at least one of a predetermined program (Pg 5, Pgh 5, pre-set operating program), and a predetermined mode of operation (Pg 6, Pgh 1, pre-set operating procedure), the parameter reflecting at least one of a country, a particular location, and a selectable operating language (Pg 4, Pgh 1, convert the terms into another language) of the cooking device, a control element (Fig 1, Items 50 & 60, Pg 8, Pgh 2, operating unit and

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control device) including at least one modification function element (Fig 1, Items 20 & 23, Pgh 1, input operating elements) and at least one confirmation and/or storage function element (Fig 1, Item 50, Pg 9, Pgh 3, memory for storing program parameters), the modification function element being operable to modify the preset parameter and the confirmation (Fig 1, Items 23, Pgh 1) and/or storage function element being operable to automatically confirm, accept and/or store the modified parameter after a predetermined time period lapses (Pg 4, Pgh 3 & 4, automatically started after a predetermined time).

5. Regarding claim 4, Juergen teaches comprising predetermined unchangeable limits within which the at least one modification function element modifies the parameter (Pg 5, Pgh 5, device is set in operation with a pre-set operating program, the user can still adapt or change the program parameters by actuating the function operating elements).

6. Regarding claim 17, Juergen teaches where the predetermined program includes at least one of a cooking program (Fig 3, Item 22, Pgh 10, Pgh 1, Program function for setting automatic cooking) and a cleaning program (Fig 3, Item 33, Pgh 10, Pgh 1, operating function clean).

7. Regarding claim 18, Juergen teaches where the predetermined mode of operation includes at least one of a cooking mode (Fig 3, Item 22, Pgh 10, Pgh 1, Program function for setting automatic cooking) and a cleaning mode (Fig 3, Item 33, Pgh 10, Pgh 1, operating function clean) of operation.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. Claims 5, 16, 19, 21, 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Juergen (DE 19832757) in view of Wolfgang (DE 19830844).

11. Regarding claim 22, Juegen does not teach further comprising a locating system. In analogous art of control arrangement for a program-controlled domestic appliance with country program list, Wolfgang discloses a locating system (Fig 1, Item 20, Pg 2, Pgh 8, country numbers) for the benefit of taking into consideration country-specific cooking and food patterns (Pg 2, Pgh 1). It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the teachings Juergen with the location system of Wolfgang for the benefit of taking into consideration country-specific cooking and food patterns.

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12. Regarding claim 5, Juergen does not teach where the locating system detects a location of the cooking device and the control element automatically presets the parameter. In analogous art of control arrangement for a program-controlled domestic appliance with country program list, Wolfgang discloses where the locating system detects a location (Fig 1, Item 20, Pg 2, Pgh 8, country numbers) of the cooking device and the control element (Fig 1, Item 1, Pg 2, Pgh 8, control unit) automatically presets the parameter (Pg 2, Pgh 1, while starting the program automatic the cooking recipe displayed first of the country program list is the most used in this country) for the benefit of taking into consideration country-specific cooking and food patterns (Pg 2, Pgh 1). It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the teachings Juergen with the location system of Wolfgang for the benefit of taking into consideration country-specific cooking and food patterns.

13. Regarding claim 16, Juergen teaches further a control and/or regulating unit (Fig 1, Items 50 & 60, Pg 8, Pgh 2, operating unit and control device) in working connection with at least one of the modification function element (Fig 1, Items 20 & 23, Pgh 1, input operating elements), the confirmation and/or storage function element (Fig 1, Item 50, Pg 9, Pgh 3, memory for storing program parameters). Juergen does not teach a locating system. In analogous art of control arrangement for a program-controlled domestic appliance with country program list, Wolfgang discloses a locating system (Fig 1, Item 20, Pg 2, Pgh 8, country numbers) for the benefit of taking into consideration country-specific cooking and food patterns (Pg 2, Pgh 1). It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the teachings

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Juergen with the location system of Wolfgang for the benefit of taking into consideration country-specific cooking and food patterns.

14. Regarding claim 19, Juergen teaches where the control element (Fig 1, Items 50 & 60, Pg 8, Pgh 2, operating unit and control device) presets the selectable operating language (Pg 4, Pgh 1, convert the terms into another language). Juergen does not teach where the control element presets the parameters for each of the country, the particular location. In analogous art of control arrangement for a program-controlled domestic appliance with country program list, Wolfgang discloses where the control element (Fig 1, Item 1, Pg 2, Pgh 8, control unit) presets the parameters for each of the country, the particular location (Fig 1, Item 20, Pg 2, Pgh 8, country numbers) for the benefit of taking into consideration country-specific cooking and food patterns (Pg 2, Pgh 1). It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the teachings Juergen with the location system of Wolfgang for the benefit of taking into consideration country-specific cooking and food patterns.

15. Regarding claim 21, Juergen teaches where the predetermined unchangeable limits includes a selectable operating language (Pg 4, Pgh 1, convert the terms into another language). Juergen does not teach where the predetermined unchangeable limits includes at least one of the country, the particular location. In analogous art of control arrangement for a program-controlled domestic appliance with country program list, Wolfgang discloses where the predetermined unchangeable limits includes at least one of the country, the particular location (Fig 1, Item 20, Pg 2, Pgh 8, country numbers) for the benefit of taking into consideration country-specific cooking and food patterns

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(Pg 2, Pgh 1). It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the teachings Juergen with the location system of Wolfgang for the benefit of taking into consideration country-specific cooking and food patterns.

16. Regarding claim 23, Juergen teaches where the control element (Fig 1, Items 50 & 60, Pg 8, Pgh 2, operating unit and control device) presets the parameter based on the selectable operating language (Pg 4, Pgh 1, convert the terms into another language). Juergen does not teach where the control element presets the parameter based on at least one of the locating system. In analogous art of control arrangement for a program-controlled domestic appliance with country program list, Wolfgang discloses where the control element presets the parameter based on at least one of the locating system (Fig 1, Item 20, Pg 2, Pgh 8, country numbers) for the benefit of taking into consideration country-specific cooking and food patterns (Pg 2, Pgh 1). It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the teachings Juergen with the location system of Wolfgang for the benefit of taking into consideration country-specific cooking and food patterns.

17. Claims 2 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Juergen (DE 19832757) as applied to claim 1, further in view of Belt (US Patent 6,193,422).

18. Regarding claim 2, Juergen does not teach the control element can adjust the predetermine time period. In analogous art of implementation of idle mode in a suspend/resume microprocessor system, Belt discloses where the control element (Fig



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1, Item 11, Col 3, Lines 2-14) can adjust the predetermine time period (Col 3, Lines 9-14 & Col 5, Lines 10-20) for the benefit of operating the system with certain power savings factors (Col 5, Lines 30-35). It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the teachings of Juergen with the adjustable delay of Belt for the benefit of operating the system with certain power savings factors. Examiner interprets that because the idle time of Belt can be set to 8 seconds, the timer can also be adjusted to a different time value.

19. Regarding claim 20, Juergen teaches a predetermined time period (Pg 4, Pgh 3 & 4, automatically started after a predetermined time). Juegen does not teach where the predetermined time period is approximately one second to approximately thirty seconds after the last activation of the control element. In analogous art of implementation of idle mode in a suspend/resume microprocessor system, Belt discloses where the predetermined time period is approximately one second to approximately thirty seconds after the last activation of the control element (Col 5, Lines 10-20, preset for idle timer is 8 seconds) for the benefit of operating the system with certain power savings factors (Col 5, Lines 30-35). It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the teachings of Juergen with the delay of Belt for the benefit of operating the system with certain power savings factors.

### ***Conclusion***

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to THIEN TRAN whose telephone number is (571)270-7745. The examiner can normally be reached on Mon-Thurs, 8-5PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tu Hoang can be reached on 571-272-4780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/THIEN TRAN/  
Examiner, Art Unit 3742  
2/3/2010

./TU B HOANG/

Supervisory Patent Examiner, Art Unit 3742